



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board

## Los Angeles Region

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### Los Angeles Regional Water Quality Control Board Minutes of the March 28, 2002 Regular Board Meeting held at The Metropolitan Water District of Southern California 700 North Alameda Street, Los Angeles, California

#### INTRODUCTION

The meeting was called to order by Chairperson Diamond at 9:10 am.

#### Board Members Present

Julie Buckner-Levy, Susan Cloke, Francine Diamond, R. Keith McDonald, Robert Miller, Bradley Mindlin, H. David Nahai, Christopher Pak and Timothy Shaheen

#### Board Members Absent

None

#### Staff Present

Dennis Dickerson, Deborah Smith, Wendy Phillips, David Bacharowski, Jonathon Bishop, Ronji Harris, Laura Gallardo, Robert Sams, Jack Price, Jenny Newman, Rebecca Chou, Blythe Ponek-Bacharowski, David Hung, Sam Unger, Rebecca Nevarez, Arthur Heath, Rebecca Chou, Paula Rasmussen, Hugh Marley, Parvaneh Khayat, Dana Cole, Thanhloan Nguyen, Kwang-il Lee, Gary Schultz, John Geroch

#### Others Present

Lucia McGovern, West basin MWD  
Steve Fleischli, Santa Monica BayKeeper  
Richard Hajas, Camrosa County Water District  
Patricia McPherson, Grassroots Coalition  
Durnford King  
George Mhlsten, Lathan and Watkins  
Jeanette Vosburg, Grassroots Coalition

Hazel Scotto, LWV  
Jerry Ross, Pillsbury Winthrop  
Donald Kendall, Calleguas MWD  
Ruth Sarnoff  
Dan Cohen, Grassroots Coalition  
Bernard Endres

#### **Pledge of Allegiance**

#### ***California Environmental Protection Agency***

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1. Roll Call

*A roll call was taken.*

2. Order of Agenda.

*The Executive Officer, Dennis Dickerson recommended the following changes to the Agenda.*

- *Item 8.1 and 8.2 be taken off the Agenda*
- *Item 10 will be continued to a future meeting*
- *Item 13 will be heard after item 4*
- 

MOTION: By Board Member Cloke, seconded by Board Member Mindlin and approved on a voice vote. No votes in opposition.

3. Approval of Minutes

*No minutes were approved.*

4. Board Member Communications and Ex Parte Disclosure

*No Board Members had anything to communicate.*

13. Strategic Plan

*Pete Silva, State Board Member, presented an update on the Strategic Plan, including the State Board's mission and goals. He emphasised stakeholder awareness, groundwater protection, water rights, education and public outreach.*

*Board Member Shaheen asked Mr. Silva to speak to the supply side of water issues, such as 4.4 and IID, from a North/South standpoint.*

*Mr. Silva replied that it was a very critical year for the 4.4 plan and that for example, there was a lot happening with the Cal Fed program.*

*Chairperson Diamond reported that she was pleased that the vision of the State Board fits in with the vision of Region 4. She felt it validated the activities of the region in the past few years such as TMDLs and a renewed emphasis on groundwater protection.*

*Mr. Silva replied that Los Angeles was leading the State in TMDL development and that the State was in fact being more proactive with respect to ground water quality.*

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5. Public Forum

*Richard Hajas, Camrosa Water District, spoke to the Board on behalf of Simi Valley, Thousand Oaks, and other cities and agencies affected by the Calleguas Creek Chloride TMDL. He expressed frustration with their inability to resolve the Chloride TMDL issue with Board staff. He stated that the cities were preparing a plan to address the list of impairments for Calleguas Creek. He asked that the 190 mg/L interim standard be extended past April or they would be subject to enforcement action by the Board as of tomorrow. He stated that a limit above 150 would not be detrimental.*

*Board Member Cloke asked Mr. Hajas when the comprehensive plan would be available and Mr. Hajas replied that it would be available to the Executive Officer within a week and a half.*

*Chairperson Diamond asked Deborah Smith, Assistant Executive Officer to respond to Mr. Hajas's comments.*

*Ms. Smith replied that if the TMDL were adopted when planned, it would have contained a provision extending the 190 mg/L limit while facilities worked on a solution to achieve the TMDL objective.*

*Board Member Mindlin asked if the Board had granted previous extensions and why we were receiving information from the agencies at the last minute.*

*Ms. Smith replied that the Board had already granted a number of extensions and if staff had brought the TMDL before the Board as expected this extension would have been built in.*

*Board Member Nahai stated that the fact that the Board has granted a number of extensions and given many workshops demonstrates that the Board is willing to work with stakeholders. He added that this issue was being delayed because the Board took the suggestions of the stakeholders so seriously and he urged the agencies to move as quickly as possible in submitting their comprehensive plan to staff.*

*Board Member Buckner-Levy also stated that it was important to move forward and asked Mr. Hajas if the plan intended to keep the 190 limit rather than discuss the 150 limit.*

*Mr. Hajas stated that the plan is to address all impairments on the watershed and come up with a solution to appropriate objectives.*

*Board Member Buckner-Levy requested that all agencies be present when this matter comes before the Board.*

*Chairperson Diamond asked staff to address the claim that the agencies would be out of compliance tomorrow and would be subject to enforcement action.*

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*Ms. Smith replied that It was going to be 2 to 3 months before the TMDL was expected to be adopted. The limits in the permits are monthly average limits. Therefore there would be one violation per month, which would probably be a Migdin violation of \$3,000 per violation, which would probably be assessed after 3 months.*

*Board Member Cloke asked if there was an opportunity to extend the 190 mg/L limit.*

*Michael Laffuer, State Council, replied that the only way to extend the limit is with a Basin Plan amendment. Even if staff noticed it promptly, the Board's action at the soonest would be May, with the effective date well into the future.*

*Board Member Nahai asked what the role of the EPA was now.*

*Mr. Laufer responded that because the EPA is under consent decree, they had to promulgate their own chloride TMDL based on the objectives in the current Basin Plan. This TMDL is just a technical waste load allocation with no implementation schedule that would have given agencies time to comply with the 150 mg/L standard in the current Basin Plan.*

*Donald Kendall, Calleguas Metropolitan Water District next spoke about the comprehensive plan that the agencies would be submitting. He added that their request for another delay was not unreasonable, and that past delays were not all the fault of the agencies.*

*Michael Laufer presented on additional observation, which was that as an interim measure, the Board could issue a time schedule order on a permit by permit specific basis that would provide relief from mandatory minimum penalties.*

*Patricia McPherson, President of Grassroots Coalition, spoke next regarding the proposal to replace the Regional Board with the Department of Toxic Substances Control as the lead agency on the Playa Vista project. She stated that DTSC was better suited to address the issue of oil field off-gassing at the site. She added that the Board had failed to back up DTSC in their efforts to perform public outreach and failed to acknowledge the presence of BTEX and H<sub>2</sub>S at the site.*

*Other people who supported the transfer of lead agency status:*

*Ruth Sarnoff  
Dan Cohen  
Durnford King  
Bernard Endres  
Deanette Vosburg  
Jon Davis*

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*George Mihilsten, Latham and Watkins, representing Playa Vista, stated that the Board had been the statutory lead agency for over a decade and that Playa Vista hoped to work with the Board in the future. He said that methane off-gassing was a common occurrence and that mitigation was in place.*

*Board Member Nahai asked if the fact that the Regional Board was the lead agency was stopping DTSC from implementing their public outreach program.*

*Dennis Dickerson, Executive Officer replied that staff had recently held a 4 hour meeting with Grassroots and DTSC and that the Board would not stand in the way of DTSC outreach programs.*

6. Uncontested Items Calendar

*There was a motion to approve the following uncontested items: 7.1, 9.1, 9.2, and 11.*

*Board Member Cloke asked for Item 12 to be removed.*

**MOTION:** By Board Member Cloke, seconded by Board Member Buckner-levy, and approved on a voice vote. No votes in opposition.

*Chairperson Diamond had a few questions regarding Item 9.1, Toyon Canyon Landfill, Los Angeles. She asked staff to explain the current state of the ground water (i.e., no beneficial uses) and if there was a potential for beneficial uses, and to discuss why there was 2 year closure requirement.*

*Rodney Nelson, Unit Chief, Landfills Unit, replied that there currently were no beneficial uses for the groundwater but that there could be the potential for beneficial uses for any ground water in the region. He stated that the ground water under the landfill was collected at a barrier wall, which had been previously extended, which then drains to the sewer. However, there is now contaminated water downstream from the wall, and the order requires that at least one additional monitoring well be installed to determine how far the water has been impacted before the City is required to submit a corrective action plan. He stated that the reason for the 2 year closure was that the monolithic cover to be used at the landfill has been shown by computer models to prevent infiltration but that the Board was requiring 2 years of moisture monitoring to be sure.*

12. Consideration of a Resolution authorizing the Executive Officer to approve a Settlement Agreement between Chevron USA, Inc. and the Regional Water Quality Control Board

*There was no staff presentation for this item.*

*Board Member Cloke asked that the phrase "in the Los Angeles basin" be deleted from page 12.2. She then stated that, regarding 12.6-C, the city was already responsible for cleaning parking lots greater than 500 feet as part of storm water mitigation projects*

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*under the SUSUMP and that this settlement should be used to bring parking lots less than 500 square feet with less than 24 spaces up to SUSUMP standards.*

*Staff replied that that would not be a problem and would add a phrase at the end of the paragraph stating that efforts must go beyond requirements already in the NPDES permit.*

*Board Member Nahai instructed that the agreement have the following changes:*

*Paragraph A: specify a 60 day timeframe, paragraph B: specify a 1 year timeframe, 1<sup>st</sup> paragraph F: specify a 1 year timeframe (with extension available for good cause), paragraph G (should be H): specify a 1 year timeframe, 2<sup>nd</sup> paragraph F (now G): include language change to ensure storm water mitigation projects will include projects such as bringing small parking lots into SUSMP compliance and cleaning lots not already covered by Part 4 of the NPDES permit.*

*Jerry Ross, representing Chevron stated that he didn't believe there would be a problem with the changes and asked for clarification on some of the due dates.*

*There was motion to adopt the staff recommendation with the changes to the settlement just put on record and agreed to by Chevron.*

**MOTION:** By Board Member Nahai, seconded by Board Member Cloke, and approved on a voice vote. No votes in opposition.

14. Odors of Sewage Origin

*Blythe Ponek-Bacharowski gave the staff presentation, stating that the Board directed staff to prepare this report in May 2001. She reviewed the possible sources of odor and the problems with setting limits based on olfactometry, dilution thresholds, and odor panels. Staff presented 4 options for dealing with odors: 1) leave the definition ambiguous, 2) use language from the water code, 3) require discharger to prepare an odor control plan, 4) set numerical limits that might encroach on the authority of other agencies or, 5) set a dilution threshold range. Staff recommends option 3.*

*Keith McDonald asked who would receive an odor complaint that would trigger the control plan in option 3.*

*Ms. Ponek-Bacharowski replied that the discharger would receive the complaint.*

*Chairperson Diamond asked if there was a way to get information from ARB and SCAQMD if there were already odor problems with permittees.*

*Board Member Nahai brought up the issue of on-site versus off-site odors and asked staff to further address whether or not it was appropriate for the Board to have a policy for on-site odors.*

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15. Status Report on City of Los Angeles' Progress Towards Compliance with Freshwater Ammonia Objectives (required by the Basin Plan) for Protection of Aquatic Life.

*Jon Bishop, Section Chief, Regional Programs, gave background so the Board would be prepared to hear the report from the City of Los Angeles. He stated the Basin Plan objective for ammonia had given facilities 8 years to come into compliance with the standard, which will take effect in June 2002. In the interim, EPA updated the basis for that objective, so that the current basin plan objectives are more stringent. The three options before the Board are 1) Basin Plan amendment, 2) issue TSOs on a case by case basis, and 3) pursue enforcement action against facilities who are out of compliance with the objective. Staff recommends option 2 and 3 with respect to the City.*

*Larry Miller, City of Los Angeles, spoke about Tillman and LA/Glendale Water Reclamation Plants, which treat sewage to a tertiary level and return the reclaimed water for beneficial uses. They recently invested several billion dollars to update Hyperion and are in the process of upgrading several large sewers. He then discussed the findings from the pilot studies at the reclamation plants, which showed that because the plants were not designed to reduce nitrogen to the limits specified in the Basin Plan, they would have to cut back on flow, which would result in increased foam and odors. He stated that they are currently working with other agencies to use polymers to reduce the foam. He added that the City was finished with the pilot studies and were in the process of design and sewer repair, and would be in full scale operation by 2006. He requested that the Board postpone the nitrogen limit until 2006.*

16. City of Los Angeles Integrated Plan for Wastewater Program

*Deborah Smith presented the background on the City of Los Angeles's efforts to date of integrating wastewater treatment and infrastructure. She added that there is a great benefit to doing this and that the City had done a great job of setting up the steering committee and providing educational opportunities such as tours.*

*Adel Hagekhalil, LA City Bureau of Sanitation, spoke about the project, which considers the relationship between wastewater, potable water, and storm water. He stated that the steering group developed primary objectives and guiding principles including adding new upstream facilities, maximizing recycled water use, and water conservation, increasing the amount of diverted dry weather runoff and the amount of captured beneficial use wet weather runoff, and dealing with biosolids. He then reviewed the next implementation phase of the plan, in which the Regional Board would have opportunities to be involved through TMDLs and standards development.*

*Steve Fleischli, Santa Monica BayKeeper, spoke in support of the integrated plan and commended the City of Los Angeles and their consultants for productive workshops.*

17. Executive Officer's Report

*The Executive officer updated the Board on current issues.*

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The meeting was adjourned after lunch and closed session.

Adjournment of Current Meeting

The meeting adjourned at approximately 2:00 pm. The next regular meeting is scheduled for April 25, 2002, City of Agoura Hills, Council Chambers, 30001 Ladyface Court, Agoura Hills, California, at 9:00 a.m.

Minutes adopted at the \_\_\_\_\_ Regular Board meeting  
submitted/amended.

Written and submitted by: \_\_\_\_\_.

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